

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants - Commercial Taxes Department - Allegations of corruption against Sri Md. Azeezul Huq., Senior Assistant, Office of the Commercial Tax Officer, Nidadavolu, West Godavari District - Trapped on 12.7.1999 - Prosecuted - Acquitted by the A.C.B. Court - Criminal Appeal filed by the State -Interim orders of APAT in OA No.1598/2012 for release of all terminal benefits filed by Sri Md. Azeezul Huq, Senior Assistant - Regularization of suspension period - **‘Not on duty’** - Orders - Issued.

REVENUE (VIGILANCE.I) DEPARTMENT

G.O.Rt.No. 1475

Dated.12.10.2012.

Read the following:

1. From the DG, ACB, Letter No. 129/RCT- EWG/1999-S13, Dt.12.11.1999.
2. G.O.Ms.No.246, Revenue (CT-III) Dept., Dt: 29.4.2000.
3. From the DG, ACB, Letter No. 129/RCT- EWG/1999-S13, Dt.09.09.2005.
4. Judgment of the Court of Spl. Judge for SPE & ACB Cases, Vijayawada in CC No.22/2000, dt.03.05.2005.
5. Govt., Memo.No.60018/Vig.I (2)/1999-5, dt.09.03.2006.
6. From the APAT, interim orders in OA.No.1598/2012, dt.29.2.2012.
7. Govt., Memo.No.60018/Vig.I (2)/1999-8, dt.27.3.2012.
8. From the CCT's. Ref.Vig.(3) /270/2012, dt.12.4.2012, 13.07.2012 & 07.09.2012.

ORDER:-

It has been brought to the notice of the Government that Sri Md. Azeezul Huq, Senior Assistant, Office of the Commercial Tax Officer, Nidadavolu, West Godavari District was trapped by the Anti-Corruption Bureau on 12.7.1999, when he demanded and accepted illegal gratification of Rs.1000/- as bribe from Sri K.Rama Rao for showing an official favour.

2) And whereas, in the reference 2nd read above, sanction was accorded to the Director General, Anti-Corruption Bureau to prosecute the Accused Officer, Sri Md. Azeezul Huq, Senior Assistant, Office of the Commercial Tax Officer, Nidadavolu, West Godavari District in a Court of Law.

3) And whereas, in the reference 4th read above, the Special Judge for SPE & ACB Cases, Vijayawada delivered judgment on 3.5.2005 in CC No.22/2000 and held that the Accused Officer Sri Md. Azeezul Huq., Senior Assistant is found not guilty for the offences under Sections 7 & 13(1) (d) r/w Section 13(2) of Prevention of Corruption Act, 1988 and consequently acquitted him under Section 248(1) of Criminal Procedure Code.

4) And whereas, in the reference 5th read above, based on the proposal of the Director General, Anti-Corruption Bureau, Government have accorded permission to the Director General, Anti-Corruption Bureau to file an appeal in the High Court of A.P., against the acquittal judgment, dt:03.05.2005 of the Special Judge for SPE & ACB Cases, Vijayawada in CC No. 22/2000.

5) And whereas, in the reference 6th read above, the Hon'ble Tribunal in their interim orders in OA.No.1598/2012 filed by Sri Md. Azeezul Huq, Senior Assistant have directed to verify the record as to whether there are any other proceedings pending against the applicant, if not, release all terminal benefits of the applicant in view of his retirement with effect from 31.1.2011, within a period of 8 weeks from the date of receipt of this order.

6) And whereas, in the reference 7th read above, the Commissioner of Commercial Taxes, Hyderabad was requested to direct the Deputy Commissioner (Commercial Taxes), Eluru, West Godavari District to verify the records as to whether

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there are any other proceedings pending against the applicant except Crl.A.M.P.No.367 and 471 of 2007, and if not, release all terminal benefits of the applicant with effect from 31.1.2011; keeping in view the provision of Rule 9 of A.P. Revised Pension Rules, 1980 and also subject to the out come of the Criminal Appeal pending before the High Court of AP.

7) And whereas, in the reference 8th read above, the Commissioner of Commercial Taxes, Hyderabad, while forwarding the representation of Sri Md. Azeezul Huq, Senior Assistant (Retd.) and report of the Deputy Commissioner (Commercial Taxes), Eluru, has requested to regularize the suspension period from 20.9.1999 to 6.1.2002 as deemed fit for taking further action in the matter.

8) Government have examined the representation of Sri Md. Azeezul Huq, Senior Assistant (Retd.) and observe that the allegation of bribery was prima facie grave and therefore the suspension can not be termed as wholly unjustified and accordingly decided to regularize the suspension period of the individual as not on duty

9) Accordingly, Government hereby order to regularize the suspension period of Sri Md. Azeezul Huq, Senior Assistant (Retd.) from 20.9.1999 to 6.1.2002 **as not on duty**; without prejudice to the Criminal Appeal pending before the High Court of A.P. He will be entitled to subsistence allowances only during the above said period. However, in view of his acquittal, the period shall count towards leave, increment, pay fixation, qualifying service for promotion etc.,

10) The Commissioner of Commercial Taxes, AP., Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Md. Azeezul Huq, Senior Assistant (Retd.),
O/o. the Deputy Commissioner (Commercial Taxes),
Eluru, W.G.District.
through Commissioner of Commercial Taxes, A.P. Hyderabad.
The Commissioner of Commercial Taxes, A.P. Hyderabad.
Copy to
The Director General, Anti Corruption Bureau, Hyderabad.
The Secretary to VC, A.P. Vigilance Commission.
The Director of Treasuries & Accounts, Hyderabad.
The Revenue(CT.III) Department.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER.